



Eric Gonzalez
District Attorney

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KINGS COUNTY**

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[INSERT NAME]
Assistant District Attorney

[INSERT DATE]

[INSERT D/C INFO]

Re: [INSERT CASE NAME]
Kings County Dkt./Ind. No. [#####]

In connection with the above-named case, the People voluntarily provide the following information regarding:

MOS NAME: **MICHELE HERBST**

MOS TAX: **[REDACTED]**

in satisfaction (to the extent applicable) of their constitutional, statutory, and ethical obligations. Further, the People reserve the right to move in limine to preclude reference to this information, or otherwise to object to its use and/or introduction into evidence.

Disclosure # 1:

MOS HERBST ENTERED A PLEA OF GUILTY TO THE FOLLOWING DEPARTMENT CHARGES AND SPECIFICATIONS ARISING OUT OF AN INCIDENT ON OR ABOUT JULY 29, 2007:

1. MOS HERBST, WHILE ASSIGN TO THE 83RD PRECINCT, IN FRONT OF A HOMELESS SHELTER, HAVING RESPONDED TO AND BECOME AWARE OF A DISPUTE BETWEEN SHELTER EMPLOYEES AND AN APPARENTLY INTOXICATED OR EMOTIONALLY DISTURBED WOMAN REPEATEDLY ATTEMPTING TO GAIN ENTRY TO SAID SHELTER, DID FAIL AND NEGLECT TO RENDER ALL NECESSARY POLICE SERVICE IN SAID DISPUTE, IN THAT SAID MOS FAILED TO CONDUCT A PROPER INVESTIGATION, LEFT THE SCENE WITHOUT REACHING A RESOLUTION OF SAID DISPUTE, AND FAILED TO HAVE SAID WOMAN PROMPTLY REMOVED FROM THE SCENE TO RECEIVE MEDICAL TREATMENT.

CASE STATUS: CLOSED ON 12/20/2011

ACTION TAKEN: FORFEITURE OF FIFTEEN (15) VACATION DAYS

Disclosure # 2:

THE NYPD ENTERED A DISPOSITION OF OTHER MISCONDUCT NOTED, DATED 10/05/2008, AGAINST MOS HERBST.

CASE STATUS: CLOSED ON 07/03/2009

Disclosure # 3:

THE NYPD SUBSTANTIATED THE FOLLOWING ALLEGATION(S), DATED 02/01/2010, AGAINST MOS HERBST:

1. DEPARTMENT RULES VIOLATION - OTHER DEPARTMENT RULES

CASE STATUS: CLOSED ON 11/16/2010

ACTION TAKEN: LETTER OF INSTRUCTION ISSUED

Disclosure # 4:

THE PEOPLE ARE AWARE OF THE FOLLOWING FEDERAL CIVIL RIGHTS ACTION(S) AND/OR STATE TORT CIVIL LAWSUIT(S) IN WHICH THE INDICATED OFFICER HAS BEEN NAMED AS AN INDIVIDUAL DEFENDANT. NOTE, THE DISPOSITION INFORMATION MAY NOT BE CURRENT:

1. ZECHARIA HEADLEY V. CITY OF NEW YORK, ET AL, 11-CV-3023, FILED IN THE US EASTERN DISTRICT OF NEW YORK.

Disclosure # 5(PENDING):

THE FOLLOWING ALLEGATION(S), DATED 12/29/2020, ARE PENDING AGAINST MOS HERBST:

[REDACTED]
[REDACTED]
[REDACTED]

CASE STATUS: PENDING

BASED UPON CCRB DOCUMENTS UP TO DATE THROUGH OCTOBER 13, 2020, THE PEOPLE ARE AWARE OF THE FOLLOWING CCRB SUBSTANTIATED AND/OR PENDING ALLEGATIONS AGAINST THIS OFFICER:

Disclosure # 6:

CCRB CASE: 200407799

REPORT DATE: 08/11/2004

INCIDENT DATE: 07/22/2004

CCRB SUBSTANTIATED ALLEGATION(S):

1. ABUSE – OTHER
2. ABUSE – QUESTION AND/OR STOP
3. ABUSE – THREAT OF ARREST
4. DISCOURTESY – WORD

NYPD DISPOSITION: COMMAND DISCIPLINE – A

OTHER MISCONDUCT NOTED:

1. OMN – FAILURE TO PRODUCE STOP AND FRISK REPORT

Disclosure # 7:

CCRB CASE: 201108862

REPORT DATE: 07/08/2011

[REDACTED]
[REDACTED]
[REDACTED]

Disclosure # 8:

CCRB CASE: 201201695

REPORT DATE: 02/06/2012

[REDACTED]
[REDACTED]
[REDACTED]

Eric Gonzalez
District Attorney
Kings County